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PATENT
Customer No. 22,852
Attorney Docket No. 5725.0473-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Stage of International Application No. PCT/FR98/00423 of:

Christine DUPUIS

Application No.: 09/380,888

PCT Filed: March 4, 1998

National Stage Entry: October 27, 1999

For: VAPORIZABLE GELLED COMPOSITION

Group Art Unit: 1617

Examiner: L. Wells

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Commissioner for Patents
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Assignee, L'ORÉAL, S.A., duly organized under the laws of France and having its principal place of business at 14, rue Royale, 75008 Paris, France, through its attorneys, represents that it is the assignee of the entire right, title, and interest in and to instant Application No. 09/380,888, filed on March 4, 1998 in the name of Christine DUPUIS, by assignment duly recorded in the United States Patent and Trademark Office at Reel 10543, Frame 0445 on December 27, 1999.

Assignee, through its attorneys, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,031,043, filed on March 16, 1998, in the name Christine DUPUIS, by assignment duly recorded in the United States Patent and Trademark Office at Reel 9391, Frame 0287 on August 19, 1998.

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Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,031,043. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the newly issued patent are commonly owned.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,031,043, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,031,043 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of $110.00 is being filed with this disclaimer. If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the

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filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: January 16, 2003

By: _____
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